

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS Nos.8500 & 8501 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and

MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

KANTIBHAI JERAMBHAI

Versus

EXECUTIVE ENGINEER

Appearance:

MR SANJAY M AMIN for Petitioners
Mr.Premal Joshi, learned A.G.P.
for Respondents Nos. 1, 2
Mr.V.S.Kavani, Dy.Executive Engineer, Irrigation
Department, Gadhada is also present.

CORAM : MR.JUSTICE M.R.CALLA and
MR.JUSTICE PRADIP KUMAR SARKAR
Date of decision: 20/12/1999

COMMON ORAL JUDGEMENT(Per M.R.Calla,J)

Learned A.G.P. Mr. Joshi raised an objection that petitioners in respective petitions have not impleaded State of Gujarat, District Collector, Ahmedabad, District Inspector of Land Records at Ahmedabad and 2nd Special Land Acquisition Officer, Ahmedabad as party respondents to these Petitions. In light of this objection, Mr.Sanjay Amin seeks to amend the cause title and array aforesaid four parties as respondents Nos.3 to 6 in respective petitions. Amendment as prayed for orally before this Court is granted. Mr.Sanjay Amin, learned counsel for the petitioners, shall carry out these amendments in the cause title of both the petitions immediately.

We have heard learned counsel for the petitioners and the learned A.G.P. Notice had been issued in these cases on 29.10.99 and affidavits-in-reply have already been filed.

Rule. Mr. Premal Joshi, learned A.G.P. waives service of rule on behalf of respondents Nos.1 and 2 as also on behalf of newly added respondents Nos.3 to 6. It is prayed by both the sides that in the facts and circumstances of these cases, the matters may be disposed of right today. Since identical grievance has been raised in both these petitions, we propose to decided both these petitions by a common order as under:-

It is not in dispute that the possession of the lands of the present petitioners was taken over way back in 1989-90 for the purpose of construction of the Canal of Khambhda Irrigation Project without following the procedure of Land Acquisition and without giving any compensation for the same. Mr. Premal Joshi has submitted that the construction of the Canal is complete. Mr.Joshi has submitted that certain amount had been paid to the petitioners against compensation without holding any acquisition proceedings.

In the facts and circumstances of this case, the respondents are directed to complete the acquisition proceedings at the earliest possible opportunity, but in no case later than a period of six months from the date the certified copy of this order is served upon the respondents. The amount of compensation, as may be determined, and as may be found to be payable, after adjusting the amount of compensation, if any, already paid, shall be paid before the expiry of six months, as aforesaid.

Both these Special Civil Applications are allowed
and rule is made absolute in each of these two petitions
to the above extent. No order as to costs.

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